

**April 19, 1999**

**DURHAM, NORTH CAROLINA  
MONDAY, APRIL 19, 1999  
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

The Mayor called the meeting to order. Mayor Tennyson requested that the following item be added to the agenda:

**SUBJECT: RESOLUTION HONORING DUKE UNIVERSITY BASKETBALL TEAM**

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Larson to add to the agenda "Resolution Honoring Duke University Basketball Team" was approved at 7:31 p.m. by the following vote:

Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown.

The Mayor read a "Resolution Honoring Betsy Rollins" and a proclamation proclaiming the month of May as "Fair Housing Month" in the City of Durham.

Council Member Miller announced that the Joint City Council/County Commissioners Merger Steering Committee would meet on April 27, 1999 at 7:30 p.m., County Commissioners' Board Room.

Council Member McKissick briefed the council on the significant progress being made by the Joint City/County Planning Committee regarding the Northeast/Northwest Loop.

Council Member Langley congratuated a student attending Bethesda Elementary for participating in "Having Our Say" a historical documentary honoring the lives of the Delaney Sisters.

Council Member Blyth congratulated Council Member Jacobs for being a nominee for the Elna B. Spaulding Award.

Mayor Tennyson reminded the audience and council of the International Festival being held in the City of Durham the week of April 19, 1999.

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Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. There were no priority items.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. The following items were pulled from the Consent Agenda: Items 4; 5; 6; and 14.

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: RALEIGH-DURHAM AIRPORT AUTHORITY APPOINTMENT**

**MOTION** by Council Member Larson seconded by Council Member Miller to re-appoint Kenneth D. Gibbs, Sr. to the Raleigh-Durham Airport Authority for a two-year term to expire January 1, 2001 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: WORKFORCE DEVELOPMENT BOARD APPOINTMENTS**

**Note: This item was reconsidered by Council later in the meeting.**

**MOTION** by Council Member Larson seconded by Council Member Miller to appoint the following citizens to the Workforce Development Board for terms to expire July 1, 2000 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Private Sector Members**

Margie Higgins, Director, Corporate Planning -  
Blue Cross/Blue Shield of North Carolina  
Nancy Lunsford, Employment Representative -  
Research Triangle Institute  
John Mistretta, Human Resources Manager -

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Central Carolina Bank  
Steve Sons, Vice President, Organizational Effectiveness -  
Glaxo Welcome  
Beverly Thompson, Director, Public Affairs -  
Kaiser Permanente

**Public Sector Member**

George Walls, Jr., Special Assistant to the Chancellor -  
North Carolina Central University

**SUBJECT: AMENDED EMPLOYMENT AND TRAINING GRANT PROJECT ORDINANCE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a "City of Durham Employment and Training Project Ordinance Superseding Ordinance No. 11471 for Federal Grant (July 1, 1998 Until All Funds Are Expended)" was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: LEGISLATIVE UPDATE**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a legislative update report from the Administration was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: REVISED RESOLUTION RELATED TO CONCERNS EXPRESSED BY HICKORY GLEN RESIDENTS REGARDING THE PLANNED CONNECTION OF WEDGEDALE AVENUE AND RUMMEL STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a revised "Resolution Related to Concerns Expressed by Hickory Glen Residents Regarding the Planned Connection of Wedgedale Avenue and Rummel Street" was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: LAND ACQUISITION FOR PROPOSED PARK LOCATED AT 4702 CHAPEL HILL ROAD**

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**MOTION** by Council Member Larson seconded by Council Member Miller to approve the acquisition of 5.46 acres of land located at 4702 Chapel Hill Road, Tax Map 470-05-002 and 003, land and improvements, property of Trinity Builders, L.L.C., for \$223,000, contingent upon an appraisal by an independent fee appraiser with a value equal to or greater than \$223,000;

To find that West Chapel Hill Road Park is 66% necessitated by new development, and that 33% of the capital costs of the project may be paid by impact fees collected within the same service zone and collected for the same purpose;

To find that New Hope Creek Open Space Preservation is 50% necessitated by new development, and that 25% of the capital costs of the project may be paid by impact fees collected within the same service zone and collected for the same purpose; and

To adopt a "Capital Project Ordinance Concerning West Chapel Hill Road Park" was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: STATE ACQUISITION AND RELOCATION FUNDS APPLICATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Authorizing the Mayor to File a State Acquisition and Relocation Fund Application on Behalf of the City of Durham" was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: MUNICIPAL AGREEMENTS WITH NCDOT - TRAFFIC SIGNALS AND WARNING FLASHER INSTALLATIONS - FAYETTEVILLE STREET AND ELMIRA AVENUE, ALSTON AVENUE AND TALOR STREET, AND HOPE VALLEY ROAD AND SOUTH ROXBORO STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt resolutions (3) authorizing the City Manager to enter into Municipal Agreements with North Carolina Department of Transportation for the purpose of installing traffic signals at the intersections of Fayetteville Street and Elmira Avenue, Alston Avenue and Taylor Street, and Hope Valley Road and South Roxboro Street;

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To adopt an ordinance authorizing the installation of traffic signals at the intersections of Fayetteville Street and Elmira Avenue, Alston Avenue and Taylor Street, and Hope Valley Road and South Roxboro Street at a cost of \$120,000;

To authorize the installation of a warning flasher on Cornwallis Road near Beechwood Avenue at a cost of \$11,500;

To find that the traffic signal at the intersection of Alston Avenue (NC 55) and Taylor Street is 100% necessitated by new construction and that up to 50% of the capital costs of that project may be paid by impact fees collected within the same service zone and collected for the same purpose;

To adopt a "Capital Project Ordinance Superseding Ordinance #11522 NCCU Traffic and Pedestrian Signals";

To adopt a "Capital Project Ordinance Superseding Ordinance #11525 Concerning Street Capacity and Safety Improvements"; and

To receive a memorandum from the Administration on North Carolina Department of Transportation's funding and installation schedule for the traffic signal at the intersection of Jackson and Duke Streets was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: DILLARD STREET RAILROAD CROSSING IMPROVEMENTS -  
MUNICIPAL AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION & NORFOLK AND SOUTHERN RAILROAD**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a tri-party agreement with North Carolina Department of Transportation and Norfolk & Southern Railroad for the construction of railroad crossing gates on Dillard Street was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: REPORT TO CITY COUNCIL ON THE USE OF DURHAM PUBLIC  
SCHOOL FACILITIES BY THE PARKS AND RECREATION  
DEPARTMENT**

**MOTION** by Council Member Larson seconded by Council Member Miller

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to receive a report from the Parks and Recreation Department regarding the use of Durham Public School facilities for athletic, after-school, summer camp, and other recreational activities was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SETTING PUBLIC HEARINGS FOR THE CONFIRMATION OF CERTAIN ASSESSMENT ROLLS**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt resolutions setting public hearings on Monday, May 3, 1999 for confirmation of the following assessment rolls was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- a. **Sewer Main - Neal Road** from east property line of Tax Map 761-5-7 to Parthenia Drive and **Parthenia Drive** from Neal Road to end of street,
- b. **Sewer Main - Chapel Hill Boulevard (South Side)** from east property line of Tax Map 465-1-29A to west property line of Tax Map 473-3-3,
- c. **Sewer Main - Cook Road** from east property line of Tax Map 411-2-4 to west property line of Tax Map 411-2-3,
- d. **Water Main - Cook Road** from Tall Oaks Drive to south property line of Tax Map 518-5-4,
- e. **Water Main - Raintree Road** from Umstead Road to Havenhill Place,
- f. **Sewer Main - Jean Avenue** from Chapel Hill Street to south property line of Tax Map 470-2-3,
- g. **Sewer Main - Jean Avenue** from Chapel Hill Road (west intersection) to north property line of Tax Map 470-2-4, and
- h. **Sewer Main - Comfort Lane** (formerly Neal Road) from east property line of Tax Map 757-2-8 to south property line of Tax Map 756-1-1.

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[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

**SUBJECT: Sewer Main - Farrington Road** from South Property Line of Tax Map 484-2-4 to Chapel Hill Road and **Chapel Hill Road** from Farrington Road to East Property Line of Tax Map 484-1-2

Due to an objection, Lee Murphy of the Public Works Department, requested council to refer the property of Charles and Marie Weil, Jr. to the Public Works Committee for further consideration.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on Farrington Road from south property line of Tax Map 484-2-4 to Chapel Hill Road and Chapel Hill Road from Farrington Road to east property line of Tax Map 484-1-2 and to refer the property of Charles and Marie Weil, Jr. to the Public Works Committee for further consideration was approved at 7:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: Sewer Main - New Mt. Moriah Road** from Watkins Road Outfall to South Property Line of Tax Map 483-1-4

Due to an objection, Lee Murphy of the Public Works Department, requested that the property of Elaine Medlin be referred to the Public Works Committee for further consideration.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on New Mt. Moriah Road from Watkins Road Outfall to south property line of Tax Map 483-1-4 and to refer the Elaine Medlin property to the Public Works Committee was approved at 7:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore

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Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.  
Noes: None. Absent: None.

**SUBJECT: Sewer Main - New Bern Place** from Woodberry Road to Cul-de-sac

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on New Bern Place from Woodberry Road to cul-de-sac was approved at 7:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: Sewer Main - Watkins Road** from Chapel Hill Road to North Property Line of Tax Map 483-1-22

Due to an objection, Lee Murphy of the Public Works Department, requested that the property of Frank & Mary Doucette be referred to the Public Works Committee for further consideration.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on Watkins Road from Chapel Hill Road to north property line of Tax Map 483-1-22 and to refer the property of Frank & Mary Doucette to the Public Works Committee for further consideration was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: Sewer Main - Ellis Road** from Brooks Road to North Property Line of Tax Map 564-1-7

Due to an objection, Lee Murphy of the Public Works Department,



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requested that property of Hare, Ferrell, Pridgen Trustees be referred to the Public Works Committee for further consideration.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on Ellis Road from Brooks Road to north property line of Tax Map 564-1-7 and to refer the Hare, Ferrell, Pridgen Trustees property to the Public Works Committee for further consideration was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: Water Main - Riddle Road** from Ellis Road to West Property Line of Tax Map 566-2-27

Due to an objection, Lee Murphy of the Public Works Department, requested that the property of Vivian Troy and Helen Payne be referred to the Public Works Committee for further consideration.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for water main on Riddle Road from Ellis Road to west property line of Tax Map 566-2-27 and to refer the property of Vivian Troy and Helen Payne to the Public Works Committee for further consideration was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: Sewer Main - North Hoover Road** from Southerland Street to South Property Line of Tax Map 627-2-9 (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared

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closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering sewer main improvements on North Hoover Road from Southerland Street to south property line of Tax Map 627-2-9 under the Enabling Act Authority was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: Sewer Main - Melrose Avenue** from East Property Line of Tax Map 623-3-2 West to Existing Outfall (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering sewer main improvements on Melrose Avenue from east property line of Tax Map 623-3-2 west to existing outfall under the Enabling Act Authority was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: Curb, Gutter and Paving, and Water and Sewer laterals - Windcrest Road** from Barbee Road to West Property Line of Tax Map 536-5-1

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering curb, gutter and paving, and water and sewer laterals on Windcrest Road from Barbee Road to west property line of Tax Map 536-5-1 was approved at 7:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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**SUBJECT: VOLUNTARY ANNEXATION PETITIONS - ALDERSGATE CHURCH AND  
FIELD OF DREAMS**

a. FY 99-12, Aldersgate Church

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the annexation of Aldersgate Church, which consists of 13.25 acres contiguous to the City limits and located at the intersection of Bivins and Umstead Roads; and

To adopt "An Ordinance Annexing to the City of Durham An Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, Under the Provisions of NCGS 160A-31 Et. SEQ. (Aldersgate Church)" was approved at 7:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

b. FY 99-13, Field of Dreams

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the annexation of Field of Dreams, which consists of 6.89 acres contiguous to the City limits and located south of Erwin Road and east of Annandale Road, adjacent to Lochнора Subdivision on the west and Duke University Forest on the east; and

To adopt "An Ordinance Annexing to the City of Durham An Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, Under the Provisions of NCGS 160A-31 Et. SEQ. (Field of Dreams)" was approved at 7:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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**SUBJECT: 1999-2000 CONSOLIDATED ACTION PLAN PUBLIC HEARING**

To receive citizens' comments concerning the Proposed 1999-2000 Consolidated Action Plan for Community Development Block Grant and HOME Investment Partnership Program.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Denise Hester, Executive Director of Southeast Durham Development Corporation, asked council to support the following neighborhoods for renovation located in Southeast Durham: Murphy Street; Dawkins Street; and South Roxboro Street. She requested the council to consider their proposal for staff and funding for the rehab of 30 homes in three of Durham's most blighted sections.

Mickey Brown, Chair of the Citizens Advisory Committee, spoke in support of the Proposed 1999-2000 Consolidated Action Plan. He asked the council to vote on the plan tonight so the money can be used in the manner it is presented.

Dr. Beverly Rose, Chair of Hayti Development Corporation & Executive Director of Edgemont Community Center, spoke in support of the CDBG funds for the city and asked council to review the allocations that have been recommended as it relates to the East Main Street Corridor in the Edgemont Community. Dr. Rose noted they wanted to revitalize the community for the citizens of Durham and for the East Main Street Corridor.

Ralph McKinney, a resident of Fairfield Road, addressed the council noting Durham's vision statement.

Kevin McDonald, President of TROSA, spoke in support of funds to complete the renovation of Driver Street School.

The Mayor asked if there were other individuals present wanting to speak. Mayor Tennyson closed the public hearing.

Council Member Brown asked the administration how the decision was made to fully fund some projects versus funding a small portion of other projects.

Kendall Abernathy, Housing Director, noted the administration looked at projects that were already partially funded from previous years that were not complete and the areas that City Council had designated as block grant target areas. Also, she noted they reviewed other projects to see what was eligible and what things could be done and what projects followed along with

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the goals of the City Council and objectives.

Council Member Brown noted she understood the rationale for funding ongoing projects; however, she wanted to know how the administration advertised to suggest to people or to give people some realistic sense that their project may not be a priority.

Kendall Abernathy noted the process is initiated in the fall with a meeting inviting all the non profits explaining the process to them and letting them know how much money is likely to be available both overall for the block grants and projects that will be recommended for ongoing funding. She noted after this information was made available about the funding they still received over \$5 million in requests from outside agencies - \$7 million in requests when you include the city departments that have ongoing projects. Ms. Abernathy stated the application package specifically outlines all the priorities and the goals of the City Council, and exactly where the target areas are.

Mayor Pro Tempore Clement noted that when the Citizens Advisory Committee met and discussed the allocations some of the very same concerns were articulated. Mayor Pro Tempore Clement noted that several groups came to the Citizens Advisory Committee to discuss various proposals in detail and the committee's action and working with staff is what we produced tonight. Also, Mr. Clement spoke in support of the work of the Citizens Advisory Committee along with Ava Hinton and Kendall Abernathy of the Durham Housing Department.

A motion was made by Mayor Pro Tempore Clement to move the item as printed on the agenda. This motion was seconded by Council Member Jacobs.

Council Member Cox requested that the administration submit information relative to projects not recommended and the criteria.

Kendall Abernathy noted this information was available and would be provided to Council on Tuesday, April 20th.

Council Member Cox asked if some of the projects did fit some criteria but were not recommended.

Kendall Abernathy replied yes and noted some projects were not eligible for block grant funding.

Council Member Cox requested information on the schedule for bringing this item back to council for final approval.

Kendall Abernathy noted the item was scheduled to come back to

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council for approval the next cycle [May 3, 1999]. She noted it must be submitted to HUD before May 15th.

Council Member McKissick thanked the Citizens Advisory Committee and the staff for their work on the plan.

Council Member Burnette stated there are many needs in the community and she hoped that staff and the council could find a policy to supplement the CDBG money and fund more projects.

Council Member Cox requested the administration to provide information on city projects relative to funding.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Jacobs to receive citizens' comments concerning the Proposed 1999-2000 Consolidated Action Plan for Community Development Block Grant and HOME Investment Partnership Program was approved at 8:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: DISASTER RECOVERY INITIATIVE FUNDS (DRI)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Ralph McKinney spoke on this matter.

The Mayor asked if there were other individuals present wanting to speak. Mayor Tennyson closed the public hearing.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the Disaster Recovery Initiative funds; and

To approve the Disaster Recovery Initiative Action Plan; and

To adopt a "City of Durham Grant Project Ordinance U.S. Department of Housing and Urban Development Disaster Recovery Initiative" was approved at 8:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING (SC99-1) - RUBY STREET, LEDNUM STREET, BUCHANAN BOULEVARD**

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Jacobs to adopt an order permanently closing a 39,596± square foot portion of Ruby Street, a 19,384± square foot portion of Lednum Street, and a 10,411± square foot portion of Buchanan Boulevard was approved at 8:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P98-71, BELL SOUTH MOBILITY PCS, WEST SIDE OF DAVIS DRIVE, SOUTH OF PARK KNOLL DRIVE**

**The following case (P98-71) has been withdrawn--no City Council action is necessary**

Case: P98-71--continued from the March 1, 1999 City Council Meeting.

Applicant: BellSouth Mobility PCS

Location: 1.5 acres on the west side of Davis Drive, south of Park Knoll Drive (Tax Map 584-3-13)

Request: Rezoning from SC(D) (Shopping Center District with a Development Plan) and OI-2(D) (General Office and Institutional with a Development Plan) to I-2(D) (Light Industrial with a Development Plan), Change in Development Plan

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of SC(D) and OI-2(D) and placing same in and establishing same as I-2(D).

Zoning Committee's Recommendation and Vote: Approval, 4-3

City Manager's Recommendation: Approval

**SUBJECT: ZONING CASE P99-10, CITY OF DURHAM (HICKORY GLEN SUBDIVISION)**

Case: P99-10

Initiated by: City of Durham (Hickory Glen Subdivision)

Location: 36.24 acre site located on the south side of Wake Forest Highway (NC 98), west of Lynn Road and east of Junction

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Road (Tax Map 380, Block 1, Lot 12A and 380B, Block 1, Lots 1-47)  
Request: Rezoning from RM-8(D) (Multifamily Residential District, maximum of 8 dwelling units per acre with a Development Plan); (F/J-B) to R-5 (Residential 5 District); (F/J-B)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-8(D); (F/J-B) and placing same in and establishing same as R-5; (F/J-B).

Zoning Committee's Recommendation and Vote: Approval, 7-0

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Linda Williams, a resident of Hickory Glen Subdivision, spoke in support of this rezoning request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

**MOTION** by Council Member Blyth seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-8(D); (F/J-B) and placing same in and establishing same as R-5; (F/J-B) was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE REGARDING THE DISTRICTS AND STANDARDS FOR ADULT ESTABLISHMENTS (TC86-99)**

Bonnie Estes, of the City/County Planning Department, briefed council on the purpose of this item.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Tom Miller, representing the Watts Hospital-Hillandale Neighborhood Association, noted the issue before council this evening was important to his neighborhood and it should be important to every neighborhood in the City of Durham. Mr. Miller asked the council to readopt the ordinance as presented this



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evening.

Mike Shiflett, representing the Inter-Neighborhood Council, spoke in support of this item.

The Mayor asked if anyone else desired to speak on this matter. Mayor Tennyson closed the public hearing.

A motion was made by Council Member Miller seconded by Council Member Blyth to approve the item as printed on the agenda.

Council Member McKissick noted he supported the readoption of the ordinance as it is presently drafted.

Bonnie Estes, of the City/County Planning Department, provided a map showing the location of existing sites and the potential for other locations.

Council Member Larson spoke in support of readoption of the ordinance.

**MOTION** by Council Member Miller seconded by Council Member Blyth to receive a report from the Administration; and

To receive citizens' comments on proposed amendments to the Zoning Ordinance regarding the districts and standards for adult establishment; and

To adopt "An Ordinance to Readopt the Standards of the Durham Zoning Ordinance Regarding the Districts Which Allow Adult Establishments and the Standards for Special Use Permits, and Supplementary Requirements for Adult Establishments" was approved at 8:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[OTHER MATTERS]**

**SUBJECT: TAXICAB COMMISSION REPORT - MARCH 24, 1999 MEETING**

To receive a report from the Taxicab Commission and to take action on the following recommendation of the Taxicab Commission pursuant to Section 22-159.10 of the Durham City Code:

Transfer of Operator's License - Community Cab #75, Mr. Nathaniel Lennon to Mr. Ronald Allen

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Taxicab Inspector's Recommendation: Approve transfer of Operator's License #75 (in accordance with City Code)

Taxicab Commission's Recommendation: Approve transfer of Operator's License #75 (Vote 3-0).

**MOTION** by Council Member Miller seconded by Council Member Cox to approve the Taxicab Commission's recommendation [approve transfer of operator's license #75] to Mr. Ronald Allen was approved at 8:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PRELIMINARY PLAT APPROVAL - BLACK MOUNTAIN SUBDIVISION**

**At the Committee-of-the-Whole Meeting on Thursday, April 30th, the Council voted to continue this matter to the May 3, 1999 City Council Meeting.**

To approve a preliminary plat for the "Black Mountain Subdivision", a cluster development, submitted by Duane K. Stewart & Associates, consisting of 62 single family lots on a 32.057 acre tract, zoned R-20, and located on the north side of Latta Road, west of Roxboro Road and east of Pine Trail Drive (Tax Map 325, Block 01, Parcels 09 and 09B).

**[SUPPLEMENTAL AGENDA]**

**SUBJECT: FEES FOR PARKING IN THE DOWNTOWN AREA**

To receive a report from the City Manager concerning fees for parking in the Downtown area.

Assistant City Manager John Pedersen briefed council on the proposed parking security recommendations in city parking decks outlining the following:

1) Secured Special Events Parking - Assistant City Manager Pedersen stated the city would provide uniform security for events requiring extensive use of city parking facilities and the parking charge would be \$2.00 per car. Mr. Pedersen noted the \$2.00 charge is not designed as a money maker for the city and the fee is for the purpose of covering a portion of the costs for the additional security.

2) Increased Regular After Hours Parking Security - Mr. Pedersen

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stated the administration also recommends improved security for evenings during which there are no special events. He noted the preliminary plan is to provide this security through a contract with a private agency.

3) Residential Parking Permit System - Mr. Pedersen stated the concern was for the West Main Street Condo units which are accessed from the surface lot adjacent to the Corcoran Street Parking Garage. He noted the residents currently compete for parking spaces with the Club and ballpark patrons and the staff recommends the creation of a residential parking permit system which would guarantee a reserved parking spot from 6:00 p.m. - 8:00 a.m. on weekdays and all day on weekends and holidays. He stated the permit fee would be \$10 per month.

Also, Assistant City Manager Pedersen briefed council on the net costs of all three recommendations.

City Manager Ewell recommended the user fee approach as presented by the administration. He requested that the matter be referred to the Finance Committee for further discussion.

The following citizens spoke on this item:

Steve Burrell spoke on the frequent disruptions by patrons at the Power Company. Also, Mr. Burrell suggested that the city institute an enforceable noise and loitering ordinance instead of charging a fee to park.

Catherine Vickery addressed council stating the problem was the Power Company and not the parking lot. She noted by charging money to park would not eliminate the problem.

Ralph McKinney spoke in support of the parking fee.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the City Manager concerning fees for parking in the Downtown area and to refer this matter to the Finance Committee for further discussion was approved at 9:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[ITEMS PULLED FROM THE CONSENT AGENDA]**

**SUBJECT: CONTRACT FOR WELFARE TO WORK PROGRAM - DURHAM COUNTY  
DEPARTMENT OF SOCIAL SERVICES**

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**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Larson to authorize the City Manager to execute a contract with the Durham County Department of Social Services in the amount of \$665,465 for the comprehensive Welfare to Work Program was approved at 9:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: USE OF FEDERAL ECONOMIC DEVELOPMENT INITIATIVE FUNDS - UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the proposed use of Federal Economic Development Initiative funds for commercial redevelopment projects in Durham, and to authorize the City Manager to execute all documents requested by the U. S. Department of Housing and Urban Development (HUD). The funds to be received by the City under the grant will be used principally for the benefit of low and moderate income persons; and

To adopt a "City of Durham Grant Project Ordinance U.S. Department of Housing and Urban Development Economic Development Initiative - Special Projects" was approved at 9:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: JOB TRAINING PARTNERSHIP ACT GRANT PROJECT ORDINANCE - SUMMER YOUTH EMPLOYMENT PROGRAM**

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Miller to adopt a grant project ordinance for the FY-99 Summer Youth Employment Program beginning October 1, 1998 through September 30, 1999 in the amount of \$184,122.00 was approved at 9:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CONSTRUCTION CONTRACT FOR PHASES A AND B OF THE AMERICAN TOBACCO TRAIL - SANFORD CONTRACTORS, INC.**

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Thad Howard spoke in support of this item.

**MOTION** by Council Member Blyth seconded by Council Member Larson to authorize the City Manager to enter into a contract with Sanford Contractors, Inc. in the amount of \$2,297,859.10, with a contingency of \$230,000 for the construction of Phases A and B of the American Tobacco Trail;

To adopt a "Capital Project Ordinance Superseding Ordinance #11501 Concerning American Tobacco Trail - Morehead Avenue to Cornwallis Road"; and

To adopt a "Capital Project Ordinance Superseding Ordinance #11502 Concerning Open Space and Greenway Preservation" was approved at 9:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

At this time Council Member Brown requested council to reconsider the previous action taken on the Consent Agenda. She noted she had questions regarding Consent Item 2 [Workforce Development Board].

**MOTION** by Council Member Blyth seconded by Council Member Engelhard to reconsider action taken by Council on the Consent Agenda was approved at 9:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda with the exception of Consent Item 2 was approved at 9:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: WORKFORCE DEVELOPMENT BOARD APPOINTMENTS**

To appoint the following citizens to the Workforce Development Board for terms to expire July 1, 2000.

**Private Sector Members**

Margie Higgins, Director, Corporate Planning -  
Blue Cross/Blue Shield of North Carolina  
Nancy Lunsford, Employment Representative -

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Research Triangle Institute  
John Mistretta, Human Resources Manager -  
Central Carolina Bank  
Steve Sons, Vice President, Organizational Effectiveness -  
Glaxo Welcome  
Beverly Thompson, Director, Public Affairs -  
Kaiser Permanente

**Public Sector Member**

George Walls, Jr., Special Assistant to the Chancellor -  
North Carolina Central University

**MOTION** by Council Member Larson to approve Consent Item 2 as printed on the agenda. This motion was seconded by Mayor Pro Tempore Clement.

Council Member Brown stated she would like to see a more diverse body of people with a diverse range of experiences as reflected in the sector that they represent.

**SUBSTITUTE MOTION** by Council Member Blyth seconded by Council Member Burnette to hold this item for two cycles [item will come back to the Finance Committee] was approved at 9:59 p.m. by the following vote: Ayes: Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, McKissick and Miller. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Jacobs and Larson. Absent: None.

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There being no further business to come before the Council, the meeting was adjourned at 10:00 p.m.

D. Ann Gray, CMC  
Deputy City Clerk

Margaret M. Bowers, CMC  
City Clerk

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